IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2335 OF 2005

Rajeev Agarwal ...Applicant.

V/s

The Intelligence
Officers & Ors. ...Respondents

MENTIONED, NOT ON BOARD:

Applicant present in person
Mr. H.V. Mehta for respondent No.1

CORAM: V.M.KANADE,J.
DATE : 6th April, 2005

P.C.:

1. Heard the applicant who is present in person and the learned Counsel appearing for respondent No.1.

2. Applicant was granted permission to go abroad by the Additional Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai by order dated 16/3/2005 on various terms and conditions mentioned in the said order. It was stated that the applicant can go abroad from 15/4/2005 for a period of two months.

3. Thereafter, application was made by the applicant for preponing his visit as he wanted permission to go abroad from 8/4/2005. It is contended that since the tourist season is going to begin from 15/4/2005, tickets are not available and, therefore, he would

like to go abroad from 8/4/2005.

4. The learned Counsel for respondent No.1 vehemently opposed the said submissions. It is submitted that already two months time has been granted by the Trial Court and by making an application for preponing the visit, to go abroad, applicant is indirectly seeking extension of his stay abroad.

5. Considering the facts and circumstances of the case and keeping in view the order passed by the Trial Court, in my view, no prejudice would be caused to the respondent if the applicant is allowed to go abroad from 8/4/2005. Thus the order of the Trial Court is modified to this extent only. Rest of the conditions are not altered and the applicant shall be bound by those conditions mentioned in order dated 16/3/2005.

6. Criminal Application is disposed of in the above terms.

V.M. KANADE, J.